

August 21, 2018

Mr. Henry Leskinen
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Re: Dunkin Donuts at 5846 Southwestern Boulevard
Forest Buffer Variance
Tracking # 01-18-2785

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains, was received by this Department of Environmental Protection and Sustainability (EPS) on August 9, 2018. If granted, the variance would allow permanent impact to 5,188 square feet (sf) of previously developed area that would be Forest Buffer Easement in order to construct a new Dunkin Donuts store, associated drive-thru lane, and parking lot. Approximately 600 sf of pavement in this buffer would be removed and the area revegetated.

The 0.54-acre site is comprised of two lots with the East Branch of Herbert Run, a Use I stream, bordering the western portion. The 100-year floodplain boundary also extends along the western and southern edges of the site. The variance application only cites parcel 438 as the development site, but parking is proposed on the adjacent parcel 266 owned by Douglas and Katherine Austin. An abandoned convenience store and its parking lot currently exist on the petitioner's property and are proposed for demolition in order to construct the Dunkin Donuts store. The forest buffer associated with the stream system encompasses most of the site, leaving only about 5,000 sf of non-buffer area. That area is too small to avoid impacts to the buffer while constructing the proposed Dunkin Donuts and required parking. Additionally, this redevelopment would not entail impacts to undisturbed buffer. The applicant proposes to convert impervious surfaces to functioning vegetated buffer and record all area outside of the development envelope on parcel 438 as a Forest Buffer Easement in order to offset the impacts to water quality.

This Department has reviewed your request and has determined that a practical difficulty exists in avoiding impact to the forest buffer. Furthermore, impacts to water quality would be minimized given that no new impacts to the forest buffer are proposed, and improvement of the remaining buffer is offered as mitigation.

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Therefore, we will grant this request in accordance with Section 33-3-106 (a)(1) of the Baltimore County Code, with the following conditions:

1. The reduced Forest Buffer Easement limit shall be posted with "Forest Buffer-Do Not Disturb" signs prior to issuance of any permit.
2. A Forest Buffer Protection Plan (FBPP) detailing that mitigation and providing a cost estimate for its implementation must be received and approved by EPS staff prior to any permit or grading and sediment control plan approval.
3. A FBPP security based on an amount approved by EPS staff shall be posted via an Environmental Agreement prior to EPS approval of any permit.
4. The Forest Buffer Easement and its Declaration of Protective Covenants must be recorded on the lot via a right of way plat prior to EPS approval of any permit application.
5. The following note must appear on all subsequent plans submitted for this project:

"A variance was granted on August 21, 2018 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to allow 5,188 square feet of impact to the forest buffer. The development shown hereon reflects the fact that this variance was granted. Conditions were placed on this variance to reduce impacts to water quality including conversion of impervious surface to functioning buffer."

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Ms. Libby Errickson at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

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DVL/lbe

Enclosure

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Owner's/Developer's Signature

Date

Printed Name